

REMARKS

Claims 1-3 and 11-17 are pending in the instant application. Claim 1 is amended, and new claim 18 is added herein. No new matter has been added by these amendments, for the new claim support can be found at least on page 8 of the application. In view of the foregoing amendments and following remarks, reconsideration of the instant application is respectfully requested.

In the office action, claim 1, 5, 11-13, and 16 are rejected under 35 U.S.C. 102(b) as anticipated by United States Patent No. 5,156,989 to Williams et al. (hereinafter referred to as Williams). Claim 1 is also rejected under 35 U.S.C. 102(b) as anticipated by United States Patent No. 5,559,349 to Cricchi. Claims 2-3, and 14 are rejected under 35 U.S.C. § 103(a) over Williams in view of Cricchi. Finally, claim 15 is rejected under 35 U.S.C. § 103(a) over Cricchi.

As amended independent claim 1 recites "wherein the portions of the epitaxial layer under both the first and second circuits is in contact with the substrate." Such features are not shown in either Williams or Cricchi whether applied alone or in combination.

Initially Williams clearly shows that the relied upon element 121e is not in contact with the substrate, but rather is separated from the substrate by the buried layer 123. This was the heretofore basis for traversing the rejection, however, it is believed that by this amendment, the distinction over Williams is made more clear. Accordingly, withdrawal of the rejection of claim 1 based on Williams is respectfully requested.

Next, with respect to the relied upon Cricchi, it is respectfully submitted that in the reference the epitaxial layer 24 is on the p-well 14 and not on the substrate 12. And thus this feature of the claims is not shown in Cricchi. Further, if it is alleged that the p-well is part of the substrate it is respectfully submitted that Cricchi fails to teach "a silicon epitaxial layer that

touches the surface of said silicon substrate and has a lower resistivity than the resistivity of said silicon substrate," as recited in claim 1.

Accordingly, it is submitted that independent claim 1 patentably distinguishes over the relied upon portions of Williams. Further, it is submitted that the shortcomings of Williams are not addressed by the relied upon portions of Cricchi. Therefore independent claim 1 patentably distinguishes over the relied upon portions of Williams and Cricchi, whether cited alone or in combination.

Still further, with respect to claim 5, it is submitted that the relied upon portions of the cited references fail to teach "the first circuit section has a digital circuit formed thereon and the second circuit has an analog circuit formed thereon." That is claim 5 expressly recites a digital circuit on a first circuit section and an analog circuit on the second circuit. The office action asserts improperly on page 2 that as to the digital and analog circuits "can be used in such a fashion." However, as the rejection is one based on 35 U.S.C. § 102(b), the statute requires there be a teaching of such elements in that reference. No where in the relied upon portions of Williams can such a teaching be found. Accordingly, it is submitted that independent claim 5 patentably distinguishes over the relied upon portions of Williams.

Accordingly, it is submitted that independent claim 1 is allowable and claims 2, 3, 5, and 11-18, which depend therefrom are allowable therewith. Withdrawal of the rejection is earnestly solicited.

IN CONCLUSION

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

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this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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